

# Driver's Licenses and Parking Privileges for People with Disabilities

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## Introduction

Chapter 343, Wis. Stats.

The Division of Motor Vehicles (DMV) of the Wisconsin Department of Transportation (DOT) has the authority under Chapter 343 of the Wisconsin Statutes to evaluate whether an individual can “exercise reasonable control” over a motor vehicle. Such evaluations take the form of knowledge tests, driving examinations or evaluations, highway sign identification tests, and vision screening. In addition, the DMV has the authority to investigate whether the presence of medical conditions and disabilities impair a person’s ability to safely operate a vehicle. Depending on the type and severity of a medical condition, persons with disabilities may be subject to additional evaluations, and may experience a variety of outcomes from a complete denial of driving privileges, to a restricted license, to an unrestricted permit. The additional tests, medical reports, and evaluations listed below have been found by the Department of Justice to be non-discriminatory under the Americans with Disabilities Act (ADA).

**Does not discriminate under ADA**

## Obtaining a Driver's License

### Eligibility

Trans 112, Wis. Admin. Code

According to administrative rules governing the DMV, a person who experiences any of the following conditions, as assessed by a physician, is not eligible to hold a valid Wisconsin operator’s license:

**Conditions making someone ineligible for a license**

1. An episode of altered consciousness or loss of bodily control (due to a neurological condition such as a seizure) within the past three months.
2. Uncontrolled chemical use or dependency.
3. Impairment of reasoning, judgement, memory, or decision-making ability to the extent that it interferes with safe driving.
4. Delusions, hallucinations, other psychotic responses or behaviors severe enough to impair driving.
5. Medications or side effects that impair driving ability.
6. Unreliability in following a prescribed treatment program to the extent that driving is impaired.

7. A condition or its complications that is likely to cause syncope, collapse, or otherwise interfere with safe driving.
8. Visual acuity less than 20/100 in the best eye or horizontal temporal field of vision less than 20 degrees in the best eye.

### Required vision screening and application form

## The Licensing Process and Persons with Disabilities

When one applies for a license, either initially or at the time of renewal, s/he must have a vision screening and must answer certain questions on the application form. These questions concern whether one wears glasses or contacts, has a hearing impairment, or, in the past year, has had an episode of altered consciousness, or loss of body control caused by a brain or head injury, diabetes, stroke, seizure disorder, mental disorder, or condition of the heart, lung, or muscle or nerve. Failure to answer truthfully is a criminal offense and can lead to cancellation of a license.

If a person answers yes to any of the questions on the form or if during the course of the licensing process, the examiner has reason to question the person's medical condition, the person may be requested to complete a medical report.

### Use of medical form

## Medical Report

Persons with disabilities may also be asked to provide a medical report using a standardized form, especially if the disability is a result of a medical condition or a brain injury. The questions on the medical form are related to the driving tasks and standards, and are based on individual functional ability, not diagnosis or age. The medical review requires an examination by a physician and a recommendation regarding the person's ability to drive. The written results are considered advisory to the Department of Transportation, which is not bound by the physician's recommendation.



*It is advisable for the individual to personally review the medical report and take it to the examiner.*

Upon receipt of the report, the examiner may grant the license, may deny or cancel the license, or may refer the matter to the DMV in Madison for further review. In addition, the examiner can require the person to take all or part of any of the written or road tests, and can use this information in making the decision.

### Possible additional evaluations based on functional areas

## Impact of Functional Areas

Persons with disabilities may come under the provisions calling for additional evaluations of driving capability, based on the following functional areas:

- **Sensory Function.** This area includes vision and hearing, and can usually be measured at DMV Customer Service Centers.

- **Sensorimotor Function.** This includes areas such as general motor skills and reaction time. Evaluation may require completion of a medical form (see above) and a road test.
- **Cognitive and Mental-Emotional Function.** This area includes information processing, judgement, and impulse control. Persons in this category will be required to provide a medical form first, and may also be required to take a road test after the medical form is approved.
- **Permanent physical disabilities.** Persons in this category will generally not need to provide the medical form, but will, in most cases, need a road test.

### License Restrictions

Trans 112, Wis. Admin. Code The examiner also has the authority to add restrictions to a license as a result of a physician's recommendation, the recommendation of an optometrist completing a vision report, or a driving evaluation by DMV personnel.

**Types of restrictions** Restrictions may include driving during daylight only, driving within a predetermined radius of the person's home, automatic transmission, no freeway or interstate driving, hand controls, corrective lenses, power brakes, continuous oxygen supply, hearing aid, artificial limb, and adequate seat adjustment.

### The Appeals Process

Trans 112, Wis. Admin. Code If a license is denied or canceled due to medical reasons, the individual may request an appeal. This must be done within 10 days of receiving the notice of the action by the Department of Transportation. S/he may request an informal review by the DMV, Bureau of Driver Licensing, or may request a formal review by the Medical Review Board. The notice from DOT contains information about how to obtain a review.

**Role of Medical Review Board** The Medical Review Board consists of a representative of DOT and at least two physicians, one of whom must be a psychiatrist if the issue is mental illness. If the issue is the person's vision, the Board will be made up of vision specialists. The individual may ask to appear personally before the Board or to have the file reviewed by the Board. An individual may present additional information concerning his/her medical condition and/or ability to drive and may have his/her own doctor present their condition before the Board.



*It is extremely important that the Board be given current and complete information to use in their decision-making.*

The Board then issues a written recommendation regarding approval, denial or cancellation of the license, any restriction, and/or follow up reports. If the license is denied or cancelled, the person must be given

**Final decision and appeal is to court system**

specific written reasons. The DMV, Bureau of Driver Licensing makes the final decision on the license using the Board's advisory recommendations. Its decision may be appealed to the courts for judicial review.

**Special Examination****Driver Condition or Behavior Report use and outcomes**

Occasionally a doctor, family member or friend may report to the Division of Motor Vehicles concerns about someone's ability to drive. Doctors, however, are not required to report their concerns to DMV. More commonly a law enforcement officer will question a person's driving ability based on an accident or erratic driving behavior. In this latter situation, the officer may file a "Driver Condition or Behavior Report" with the DMV. The person then may be asked to obtain a medical examination (at the individual's own expense), to take the road test, to have his/her vision screened, to take the sign test, or to take the written laws exam. Based on the results, the person's license can be cancelled or restricted in some way. If the reasons are medical in nature, the review process described above may be used.

**Special Medical Problems****Vision and Hearing Problems****Special vision examination**

Vision is a key issue in the licensing process. One's vision is screened at the time of initial application and at least once every four years at the time of renewal. If one fails the vision screening, the person will be asked to obtain a special vision examination by a physician or optometrist. In making the licensing decision both general acuity and peripheral vision are key issues. One may be granted various types of restricted licenses: wearing glasses or contacts required, having outside mirrors on the car, driving only during daylight, etc. Under current standards, if one has corrected vision of 20/100 or less in both eyes, s/he will not receive a regular driver's license.

Hearing is not formally screened during the licensing process. However, examiners are required to note if the person can hear instructions given in a normal tone of voice or if s/he uses a hearing aid. If the individual is unable to hear normally, s/he may be restricted to driving while wearing a hearing aid or required to have an outside mirror on the car.

**Alcohol and Other Drug Abuse**

Generally speaking persons who have a problem with alcohol or other drug abuse are dealt with in the same manner as people with other types of disabilities. However, if the person has been arrested for or convicted of driving while intoxicated, then special assessment and licensing requirements apply. For more information contact your local driver licensing examination station or your county Department of Human Services (also called Department of Community Programs or Unified Services Board).

## Parking Privileges

In Wisconsin, a motor vehicle (except motorcycles and mopeds) displaying Disabled or Disabled Veteran license plates or the Disabled Parking Identification Card issued by Wisconsin or any other state or country, is subject to all Wisconsin motor vehicle laws and is granted the following privileges when the person with the disability is present:

- Spaces** • parking in places reserved for people with a disability;
- Time limitations** • exemption from time limitations in parking places with a ½ hour or more limit;
- Meter payment** • exemption from payment in metered parking places with ½ hour or more limit. This does not include payment collected by parking attendants; and
- Pumping fuel** • upon request, a driver who is disabled may obtain fuel from a full-service pump at the same price as fuel from a self-service pump. This applies at locations where fuel is sold at retail from both full and self-service pumps. The retailer is not required to provide any other service that is not provided to customers who use a self-service pump.

## Obtaining Special Vehicle Plates

Sec. 341.14, Wis. Stats.

If a resident of the state who has a disability that limits or impairs the ability to walk wishes to obtain special disabled license plates, s/he must submit verification of the disability and mobility impairment from a doctor or other qualified health professional to the Division of Motor Vehicles once every four years. In order to obtain Disabled Veteran plates, documentation from the U.S. Department of Veteran Affairs must be provided to the DMV once every four years indicating that the individual, by reason of injuries sustained while in the active U.S. military service, has a disability that limits or impairs the ability to walk. Once issued, the disabled and disabled veteran vehicle plates identify the vehicle as being entitled to the parking privileges described above.

## Obtaining a Disabled Parking Identification Card

Sec. 343.51, Wis. Stats.

Any person certified by an authorized health care specialist as having a temporary or permanent disability is eligible for the Disabled Parking Identification Card. By legal definition, this includes any person who:

- cannot walk 200 feet or more without stopping to rest;
- cannot walk without the use of, or assistance from, another person or brace, cane, crutch, prosthetic device, wheelchair or other assistance device;

- is restricted by lung disease to the extent that forced expiratory volume for 1 second, when measured by spirometry, is less than one liter or the arterial oxygen tension is less than 60 mm/hg on room air at rest;
- uses portable oxygen;
- has a cardiac condition to the extent that functional limitations are classified in severity as class III or IV, according to standards accepted by the American Heart Association;
- is severely limited in the ability to walk due to an arthritic, neurological or orthopedic condition; or
- has an equal degree of disability to those described above.

**DOT's web site:**  
[www.dot.state.wi.us](http://www.dot.state.wi.us)

Application forms are available from:

Wisconsin Department of Transportation  
 Special Plates Unit - ID  
 PO Box 7306  
 Madison WI 53707-7306

608-266-3041  
 608-264-8703 (TTY)

A health care professional (defined as a physician, an advanced practice nurse, a chiropractor, a physician assistant, or a Christian Science Practitioner) must complete the eligibility section of the application form. The health care professional must also state whether the applicant has a temporary or permanent disability, and whether the applicant's medical condition or disability impairs his/her ability to safely operate a motor vehicle.

**For permanent or temporary disability ID card**

Persons with a permanent disability will be issued a blue disabled parking ID card that must be renewed every 4 years. Persons with a temporary disability will be issued a red disabled parking ID card that is valid for a maximum of 6 months.

**Enforcement of Disabled Parking Restrictions**

**Violations and fines**

Law enforcement officers are empowered to enforce disabled parking restrictions in public or private lots that have parking stalls posted with official signs. Any citizen or property owner may request enforcement. Violators may be required to forfeit not less than \$30, nor more than \$300.

A person or organization who lends to another a Disabled Parking ID Card, knowing the person is not authorized by law to use it, may be fined up to \$200 and ordered to return the card to the DOT.